

# Ordinance No. 1402-18 ( As Amended )

Council Members Johnson, Brancatelli and  
Kelley (by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects and/or Public Works to apply for and accept a grant from the Ohio Department of Natural Resources Land and Water Conservation Fund and gifts and grants from various public and private entities to implement the redevelopment of the Estabrook Recreation Center playground area; determining the method of making the public improvement; authorizing one or more public improvement, design, and purchase contracts to implement the improvement.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

### BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

**Section 1.** That the Director of Capital Projects ~~is~~ and/or Public Works are authorized to apply for and accept a grant in the approximate amount of \$264,178.50, from the Ohio Department of Natural Resources Land and Water Conservation Fund ("ODNR"), and to apply for and to accept grants and gifts of cash and services from other public and private entities, and any other funds that may become available to implement the Improvement; that the ~~Director is~~ Directors are authorized to file all papers and execute all documents necessary to receive any funds or services under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

**Section 2.** That the summary for the grant, File No. 1402-18-A, made a part of this ordinance is fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of the grant received from ODNR, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of redeveloping the Estabrook Recreation Center playground area (the "Improvement"), for the Office of Capital Projects and Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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**Section 4.** That the Director of Capital Projects ~~is~~ **and/or Public Works are** authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 5.** That the Director of Capital Projects ~~is~~ **and/or Public Works are** authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 6.** That the Director of Capital Projects ~~is~~ **and/or Public Works are** authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects **and/or Public Works** from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects **and/or Public Works** for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, **and/or Public Works** and certified by the Director of Finance.

**Section 7.** That the Director of Capital Projects ~~is~~ **and/or Public Works are** authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland,

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Ohio, 1976, the period of requirements to be determined by the ~~director~~, **Director or Directors** for the purchase or lease of the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the ~~Department of Capital Projects~~ **Office of Capital Projects and/or the Department of Public Works** . Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 8.** That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 9.** That under Section 108(b) of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects **and/or Public Works** may sign all documents that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 10.** That the costs of the cash match, and the costs of any contract authorized by this ordinance shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, 20 SF 584, from the fund or funds to which are credited the proceeds of any future bonds issued for this purpose, the fund or funds to which are credited any grant proceeds or cash received for this purpose, the cash match, or from any fund or funds approved by the Director of Finance for the purposes of this ordinance. (RQS 0103, RLA 2018-60)

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**Section 11.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RC:nl  
11-19-18  
FOR: Director Spronz

### Amendments to Ord. No. 1402-18

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 2, after "Capital Projects" insert "and/or Public Works".
2. In Section 1, line 1; in Section 4, line 1; in Section 5, line 1; in Section 6, line 1; and in Section 7, line 1, after "Director of Capital Projects" strike "is" and insert "and/or Public Works are" in all five places.
3. In Section 1, line 6, strike "Director is" and insert "Directors are".
4. In Section 3, line 4, after "Projects" insert "and Public Works".
5. In Section 6, paragraph 2, lines 2, 4, and 7, after "Capital Projects" insert "and/or Public Works".
6. In Section 7, line 4, strike "director" and insert "Director or Directors"; and in lines 7 and 8, strike "Department of Capital Projects" and insert "Office of Capital Projects and/or the Department of Public Works".
7. In Section 9, line 3, after "Capital Projects" insert "and/or Public Works".

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_  
Ronda G. Curtis  
Chief Corporate Counsel

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**READ FIRST TIME on NOVEMBER 19, 2018**  
**and referred to DIRECTORS of Capital Projects,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties,**  
**Development Planning and Sustainability, Finance**

**REPORTS**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. \_\_\_\_\_ Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

**REPORT**  
**after second Reading**

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE